



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2304339
Applicant Name: Eric Isaacson
Address of Proposal: 4506 40th Ave SW

SUMMARY OF PROPOSED ACTION

Master Use Permit to divide a parcel into three (3) unit lots (unit subdivision). Proposed lot areas are: A) 1,441 square feet, B) 1,190 square feet, and C) 1,888 square feet.

The following approval is required:

Short Subdivision - To divide one parcel into three (3) parcels of land (unit lot subdivision). (Seattle Municipal Code Chapter 23.24)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The approximately 4,519 square foot site is located in a Lowrise 2 (L2) zone on 40th Avenue SW between SW Oregon Street and SW Alaska Street. Access to the site is via 40th Avenue SW. The site is relatively flat. Fortieth Avenue SW is paved with curbs and sidewalks. On street parking is allowed. An alley runs through the block.

Area Development

Zoning in the immediate vicinity is a Residential, Multi-family, Lowrise 2, (L) zone and Commercial 1 with a 65 foot height limit. The immediate area is a mix of single family homes, single family homes converted to multi-family use, commercial development, parks and multi-family structures.

Proposal Description

The applicant proposes to subdivide the subject parcel into three (e) lots with sizes as follows: A) 1,441 square feet, B) 1,190 square feet, and C) 1,888 square feet. A five foot ingress, egress and utility easement will run along the north edge of the property. Parking will be off the alley. A five foot (5') Seattle City Light easement is planned for the south five feet of unit lot B.

Public Comments

No comment letters were received during the official public comment period which ended July 30, 2003.

ANALYSIS - SHORT SUBDIVISION

SMC Section 23.24.040 provides that the director shall use the following criteria to determine whether to grant, condition, or deny a short plat application:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit Subdivisions.*

Based upon information provided by the applicant; review and approval of access, drainage and zoning within the Department of Planning and Development (DPD), the review and approval from the Seattle Water Department (SWD), Seattle Fire Department (SFD), and Seattle City

Light; and review by the Land Use Planner, the following findings are made with respect to the criteria cited above:

1. The intent of the Lowrise 2 zone is to provide additional housing opportunities in multi-family neighborhoods where it is desirable to limit development to infill projects compatible with the existing mix of houses and small-to-moderate scale apartment buildings. The proposed short plat conforms to the applicable zoning and land use code. The parent lot will conform to all development standards of the L2 zoning district. The configuration of the unit lots will permit construction of three (3) new townhouses in accordance with applicable development standards of the L2 zone.
2. Vehicular access to the building site will be from the alley, which is paved and is maintained by the City. The Seattle Fire Department has approved this proposed short plat. Parcels not adjacent to a street should place an address identification sign near the intersection of the pedestrian access easement with the public road for ease of identification of the property in the event of an emergency. In order to assure that the maintenance responsibility of the private access is clear, the applicant/responsible party will be required to attach an easement maintenance agreement to the final short plat. Seattle City Light requires overhead/underground easements over the areas identified as ingress, egress, and utility easement on the short plat documents. These requirements will be included as a condition of the final short plat to assure continued access for vehicles, utilities and fire protection.
3. This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle and availability of service is assured subject to standard conditions of utility extension. The project has received a Water Availability Certificate ID number 2003-0726. The storm water drainage system to be incorporated into the new building sites will be reviewed for compliance with the applicable provision of the Storm water, Grading and Drainage control code upon application for building permits. The applicant should contact DPD, 700 5th Avenue (Key Tower) for a side sewer permit. Storm water detention, with controlled release to the PS in 40th Av SW is likely to be required for construction in excess of 2,000 square feet of developmental coverage. A standard drainage control plan will be required at time of building permit application using standard plans and methods.
4. The public use and interests are served by permitting the proposed division of land. The proposal meets all applicable criteria for approval of a short plat as discussed under Criteria 1, 2, and 3 of this analysis.
5. This site is not an environmentally critical area as defined in SMC 25.09.100; therefore, criterion #5 is not applicable to this application.
6. This unit lot subdivision is designed to maximize the retention of existing trees.
7. The provisions of SMC Section 23.24.045, Unit Subdivisions, are as follows:

- A. *The provisions of this section apply exclusively to the unit subdivision of land for townhouses, cottage housing, clustered housing or Single Family residences in Lowrise zones where such uses are permitted.*

The subject proposal would establish separate unit lots for three townhouses in an L2 zone; thus, falling within the purview of SMC Section 23.24.045.

- B. *Sites developed or proposed to be developed with dwelling units listed in subsection A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be non-conforming as to some or all of the development standards based on analysis of the individual unit lot, except that private, useable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*

The open space as required above shall be provided on the survey as a condition of this short plat (unit subdivision).

- C. *Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any non-conformity of the parent lot.*

The condition added pursuant to Criterion F below should assure proper control of future platting actions, additions or modifications to the structure(s).

- D. *Access easements and joint use and maintenance shall be executed for use of common garage or parking areas, common open spaces (such as common courtyard open space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*

Joint use and maintenance agreements for pedestrian and vehicular easements and all common areas must be provided with the final recording documents and is a condition of this decision. A maintenance easement or agreement is required if maintenance access on another property is desirable or required to maintain any portion of a building.

- E. *Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.*

Required parking will be provided by easement.

- F. *The fact that the unit lot is not a separate building lot and that additional development of the individual unit lots may be limited as a result of the*

application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.

Review of this site plan shows that the proposed short subdivision conforms to applicable standards of SMC 23.24.045 for unit lot subdivisions. As conditioned below, the future owners shall have constructive notice that additional development may be limited.

Summary

The parent lot meets all minimum standards of the L2 zone set forth in the Land Use Code, and is consistent with applicable standards for unit lot subdivision. As conditioned this short subdivision proposal has made adequate provisions for access and utilities.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Add to the face of the plat the required Seattle City Light easement. Seattle City Light requires the following overhead/underground easements. Over the areas identified on the portion of property identified as ingress, egress, and utility easement on the short plat documents.
2. Provide an easement or covenant on the plat for a street address sign to be placed on unit lot B.
3. Provide on the face of the plat or document, a joint use and maintenance agreement, for the driveway easement, pedestrian easement, parking courtyard, common party walls, structural elements, siding, foundation, roof, other physical elements and any other areas of joint use and maintenance.
4. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. The lot areas of each parcel shall be shown on the recording documents.

5. Enlarge the typeface, use boldface type, underline or otherwise highlight the following on the face of the plat: *"The unit lot is not a separate buildable lot. Additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot."*
6. Show the location of the required open space on the plat.
7. Submit the recording fee and final recording forms for approval.

Prior to Issuance of any Building Permit

8. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short plat to any future building plans.

Signature: (signature on file) Date: November 24, 2003
Holly J. Godard, Land Use Planner
Department of Planning and Development

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